

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 16, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:37 a.m. Chairperson Filner jointly convened the City Council and Redevelopment Agency at 10:39 a.m. Chairperson Filner recessed the meeting at 12:32 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:15 p.m. Mayor O'Connor recessed the meeting at 2:24 p.m. to reconvene the Redevelopment Agency. Mayor O'Connor reconvened the regular meeting at 2:26 p.m. with Council Members Wolfsheimer, Behr, McCarty, and Filner not present. Mayor O'Connor jointly reconvened the City Council and Redevelopment Agency at 2:31 p.m. Mayor O'Connor adjourned the meeting at 2:56 p.m. to meet in Closed Session in the 12th Floor Conference Room to discuss pending and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-280235 (out-of-town official business)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-excused by R-280363 (out-of-town official business)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (so/rb)

FILE LOCATION: MINUTES

ITEM-300:

ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-330:

(Continued from the meetings of October 8, 1991, Item 330, November 12, 1991, Item 330, December 10, 1991, Item 336, February 11, 1992, Item 330, April 6, 1992, Item 207, and May 11, 1992, Item 205; last continued at Councilmember Hartley's request, due to lack of time.)

Matter of the following actions for Park Plaza
Case-90-0236:

1) Request to amend the Gaslamp Quarter Planned District Ordinance (Section 103.0407 of the San Diego Municipal Code), to allow a building height exception up to 315 feet with an FAR up to 7.3 for the parcel bounded by Fourth Avenue, "K" Street, Fifth Avenue and the Linear Park/MTDB right-of-way, if all other relevant design criteria of the Gaslamp Quarter Planned District Ordinance are met and if an Owner Participation Agreement is entered into between the property owner and the Redevelopment Agency.

2) If the ordinance amendment is introduced and if the Park Plaza permits receive conceptual approval, the Council will consider the issuance of Resource Protection and Gaslamp Quarter Permits Case-90-0236 for the limited purpose of allowing immediate demolition of buildings and structures on the site including two historic buildings (T. M. Cobb Warehouses).

The total property under consideration and where all permits apply is located south of "K" Street between Fifth and Third Avenues, north of Linear Park/MTDB right-of-way and is further described as Lots A, B, H,

I, J, K and L and portions of Lots C and D, Block 140, Horton's Addition and portions of Lots A, K and L, Block 141, Horton's Addition. The site is within the Gaslamp Quarter, Centre City Community Plan area and partially within the Marina Planned District.
(Case-90-0236. District-2.)

Subitem-A: (R-92-16) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-90-0236 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives; statement of overriding considerations; and Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-92-3) DENIED

Introduction of an Ordinance amending the San Diego Municipal Code.

Subitem-C: (R-92-2145) DENIED RESOURCE PROTECTION PERMIT, ADOPTED AS RESOLUTION R-280145

Adoption of a Resolution granting or denying the Resource Protection Permit, with appropriate findings to support Council action.

Subitem-D: (R-92-2146) DENIED GASLAMP QUARTER PLANNED DISTRICT PERMIT, ADOPTED AS RESOLUTION R-280146

Adoption of a Resolution granting or denying the Gaslamp Quarter Planned District Permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems A, B, C, and D: LAND-Gaslamp Quarter Planned District

COUNCIL ACTION: (Tape location: A025-C313; D035-106.)

Hearing began at 10:39 a.m. and halted at 12:32 p.m.

Testimony in favor by Jeremy Cohen, Cathy Anderson, Pam Monasee, Brian Seltzer, James Milch, Bud Kescher, Cecilia Contini, Michael Ragatz, Tom Remensperger, Leon Herrick, Jennifer Hankins, R. J. Silber, William H. Sauls, Frank Wolden, Lyn Rossi Semeta, and L. Wolfsheimer.

Testimony in opposition by Michael Kriozere, Bill Adams, David Swarens, and Jim Ahern.

MOTION BY ROBERTS TO NOTE AND FILE SUBITEM-A AND DENY SUBITEMS B, C AND D, DENYING THE PROJECT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Note: The matter of the negotiation agreement, as related, to Council Docket Item 330 and Item 2 of the Redevelopment Agency Agenda, was trailed to the afternoon meeting for further discussion and action:

Motion by Roberts to enter into an exclusive negotiation with the developers of this property, with the understanding that we are negotiating for development within the framework of the existing ordinance which is F.A.R. (floor area ratio) 6 and a height of 125 feet. Second by Filner. Passed. Yeas: 2,3,4,6,8,M. Nays: none. Not present: 1,5,7.

ITEM-331:

Three actions relative to De La Fuente Business Park Phase II, Assessment District No. 4021 (1913 Improvement Act):
(Otay Mesa Community Area. District-8.)

Subitem-A: (R-92-1662) ADOPTED AS RESOLUTION R-280147

Approving contract for Ownership of Improvements.

Subitem-B: (R-92-1663) ADOPTED AS RESOLUTION R-280148

Confirming the assessment, ordering the improvement made, together with appurtenances, and approving the Engineer's Report.

Subitem-C: (R-92-1664) ADOPTED AS RESOLUTION R-280149

Authorizing certain assessment district bonds to be sold at a public sale and directing a call for sealed bids.

CITY MANAGER SUPPORTING INFORMATION: On February 5, 1990, the City Council accepted the property owner petition which was signed by the developer representing 100 percent of the land owners in the proposed assessment district. This is an acquisition type district in which the property owner will construct the public improvements and the City would acquire them through assessment district proceedings. The public improvements have now been completed and the assessment district proceedings can begin.

The proceedings commenced with the adoption of Resolution of Intention R-279521, on May 16, 1992, followed by noticing of the property owners and today's public hearing on the assessment district. During the 30-day cash payment period immediately following the public hearing, property owners may pay all or any portion of their assessment. Subsequently, bonds are issued in the amount of the total unpaid assessments and the developer is paid for the subdivision improvements.

The public improvements consist of grading, curb and gutter, sidewalk, paving, sewer, water and storm drain facilities, fire hydrants and street lights. All property owners will be noticed of the public hearing and informed of the proposed assessment(s) to their land.

FILE LOCATION: STRT - D-2283

COUNCIL ACTION: (Tape location: A008-025.)

Hearing began at 10:38 a.m. and halted at 10:39 a.m.

MOTION BY FILNER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-not present, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: CONTINUED TO JULY 21, 1992 AT 2:00 P.M.

Three actions relative to Centerville II, Camino Del Rio North Cost Reimbursement District:
(Mission Valley Community Area. District-6.)

Subitem-A: (R-92-1899)

Establishing Centerside II, Camino Del Rio North Cost Reimbursement District; declaring the limiting period for when assessed costs are due and payable is set at 20 years; approving the map of the proposed Centerside II, Camino Del Rio North Cost Reimbursement District; approving a description of the public improvements, the actual cost of the improvements, and the apportionment of the costs.

Subitem-B: (R-92-1900)

Authorizing a Cost Reimbursement Agreement with Homart Development Company, for the Centerside II, Camino Del Rio North Cost Reimbursement District; declaring the term of the Reimbursement Agreement is set at a period of 20 years; authorizing the expenditure of an amount not to exceed \$429,408 from DIF Fund 79529, for the reimbursement of CIP-52-447, Camino Del Rio North, from I-805 to Milly Way (Mission City Parkway).

Subitem-C: (R-92-1901)

Authorizing a first amendment to an agreement for Cost Reimbursement Engineering with Dudek & Associates, for engineering services; authorizing the expenditure of an amount not to exceed \$2,000 from Cost Reimbursement District Fund No. 63020, Department No. 6320, Job Order 139012, for the purpose of providing funds to pay for additional consultant services.

CITY MANAGER SUPPORTING INFORMATION: On March 19, 1990, the City Council authorized execution of a Formation Cost Agreement with Homart Development Company, developer of Centerside II. The public improvements construction cost for which the developer is seeking partial reimbursement include road widening, road realignment, traffic signals, storm drain facilities and other related work along Camino Del Rio North between Stadium Way and Mission City Parkway, previously known as Milly Way. These public improvements, shown on Drawing No. 23248-D, benefit adjacent properties. It is proposed that other benefitting property owners pay \$4,179,061 in reimbursements representing their fair share of the total project costs of \$4,803,411.

Individual parcels would be lienied with amounts to be paid if development occurs within a twenty-year period. Development Impact Fee (DIF) contribution towards the public improvements within this district is identified in the Capital Improvement Program and the 1988 Mission Valley Interim Public Facilities Financing Plan. The contribution is scheduled to begin in Fiscal 1994 with payments through Fiscal 1998.

Total reimbursement from DIF and benefitting property owners is \$4,608,469 and the remaining \$194,942 is the developer's cost. It is also proposed that Dudek & Associates, the consultant retained by the City, be paid an additional \$2,000. A notice of today's public hearing was set to all affected property owners a minimum of additional days prior to today's hearing.
Aud. Cert. 9200911.

FILE LOCATION: STRT CR-6

COUNCIL ACTION: (Tape location: D016-020.)

MOTION BY STEVENS TO CONTINUE FOR ONE MONTH, AS RECOMMENDED BY THE CITY MANAGER, TO MEET WITH CONCERNED PROPERTY OWNERS. Second by Hartley. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO SEPTEMBER 15, 1992

(Continued from the meetings of February 25, 1992, Item 335 and May 12, 1992, Item 336; last continued at Councilmember Behr's request, due to lack of time.)

The review and amendment of the Multifamily Parking Requirements (Ordinance No. O-17343), in response to City Council directives to review the effectiveness of the Multifamily Parking Requirements and to delete the tandem parking option. Tandem parking is a minimum 8.5 foot by 35 foot parking space for two automobiles, one parked behind the other. The ordinance is effective citywide, except in any R-1 Zone, the La Jolla Planned District, the La Jolla Shores Planned District, the Mission Beach Planned District, the Marina Planned District, the Gaslamp Planned District, and Centre City.
(Citywide.)

Subitem-A: (O-92-90)

Introduction of an Ordinance amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code by amending Section 101.0101.55 relating to transit corridors.

Subitem-B: (O-92-91)

Introduction of an Ordinance amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0821 relating to tandem parking.

Subitem-C: (O-92-92)

Introduction of an Ordinance amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0835 relating to Multi-Family Residential Parking regulations.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D021-034.)

MOTION BY HARTLEY TO CONTINUE THE ITEM TO SEPTEMBER 15, 1992, AT THE REQUEST OF JOHN MARTIN LOMAC, JR., REPRESENTING THE INCLUSIONARY HOUSING TASK FORCE, FOR A REPORT AND RECOMMENDATIONS FROM THE TASK FORCE. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-334: (O-92-138) CONTINUED TO JUNE 23, 1992

(Continued from the meeting of May 26, 1992, Item 336, at Councilmember Hartley's request, to allow adequate discussion and review by the members of the Small Business Advisory Board.)

A proposal to amend the San Diego Municipal Code by amending Chapter X, Article 1, Divisions 4 and 5 modifying certain existing sections pertaining to Home Occupations as follows:

1. Section 101.0406 - Home Occupations in the Residential Zones
2. Section 101.0502 - Zone Variance Or Other Permits Granted By The Zoning Administrator

These proposed amendments would provide clarification to existing regulations and an administrative process to request exceptions to the operational regulations. The proposed amendment to the Municipal Code also

constitutes an amendment to the City of San Diego's
Local Coastal Program (LCP).

If approved by the City Council, the proposed LCP
amendment must be submitted to the California Coastal
Commission for review and certification. The LCP
amendment would not become effective until after
approval by the California Coastal Commission.

Introduction of an Ordinance amending the Municipal
Code.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D135-190.)

MOTION BY HARTLEY TO CONTINUE ONE WEEK FOR FURTHER REVIEW OF
THE MATTER. Second by Roberts. Passed by the following
vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Stevens-yea, Behr-not present, Stallings-yea, McCarty-not
present, Filner-not present, Mayor O'Connor-yea.

ITEM-S500:

Two actions relative to the Central Imperial
Redevelopment Project:
(See memorandum from SEDC President dated 6/16/92.)

Subitem-A: (R-92-2020) ADOPTED AS RESOLUTION R-280150

Consenting to a Joint Public Hearing on the proposed
Redevelopment Plan for the Central Imperial
Redevelopment Project; authorizing the establishment of
a date, time and place; authorizing publication and
mailing of notice of the joint public hearing.

Subitem-B: (R-92-2021) ADOPTED AS RESOLUTION R-280151

Electing to be allocated certain tax revenues from the
proposed Central Imperial Redevelopment Project,
pursuant to Section 33676 of the California Community
Redevelopment Law.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D190-E015.)

Motion by Stevens to not approve the recommendations today for the expansion of the area mainly based upon incompleteness of the present area and the stalled negotiations. Direct the City Manager to have the City Redevelopment Department to take over this project area and to return to Council within 60 days with an analysis of the project and recommended action to finance the redevelopment as described in the redevelopment plan. Second by Hartley. No vote. Motion withdrawn by Stevens.

MOTION BY STEVENS TO ADOPT AND MOVE FORWARD WITH THE HEARING FOR JULY 21, 1992, AND THAT THE HEARING BE NOTICED AND CONDUCTED BY THE CITY OF SAN DIEGO. CONTINUE FOR ONE WEEK, AS REQUESTED BY MAYOR O'CONNOR, THAT PORTION OF THE ITEM PERTAINING TO THE QUESTIONS RAISED REGARDING THE MANAGEMENT OF THE PROJECT AREA. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 2:56 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E015).